

## REMARKS

This paper is responsive to a Final Office Action mailed February 21, 2008. Prior to this response, claims 1-4, 6-9, 11-19, 21-24, and 26-30 were pending. After amending claims 1, 4, 16, and 19, and canceling claims 3 and 18, claims 1-2, 4, 6-9, 11-17, 19, 21-24, and 26-30 remain pending.

In Section 4 of the Office Action claims 1-4, 6-9, 11-19, 21-24, and 26-30 have been rejected under 35 U.S.C. 103(a) as unpatentable with respect to Kawamoto (US 7,199,890), in view of Kuo et al. ("Kuo"; US 6,400,471) and Yamamoto et al. ("Yamamoto"; US 7,199,890. In pages 2-5, the Office Action acknowledges that Kawamoto fails to disclose a plurality of backplane plugins, or generating a processed IR document using the plurality of plugins. The Office Action states that Kuo discloses these features, and that it would have been obvious to combine references because they both coordinate the functioning and communication of various image processing stages and handle data flow between stages. The motivation to combine references would be to integrate different platforms in an effort to reduce costs. The Office Action also acknowledges that Kawamoto and Kuo fail to disclose parallel processing, or a combination of parallel and serial processing, but that Yamamoto discloses these features, and that it would have been obvious to use parallel and serial processing of a document in a despooling system. The motivation to combine references would have been to provide more than

one method of processing data, depending upon the speed and economy of processing. This rejection is traversed as follows.

Generally, Kawamoto describes a system for automatic selection (switching) of a printer/printer driver from a pool of printers. Application data is first passed through a first (common) printer driver 301, which produces a common output that is independent of the target printer. The output (e.g., intermediate format) is then directed towards the system spooler. Depending on the current print condition (e.g., availability, speed, error, etc.), a printer is picked from the printer pool. Once a printer is selected, a printer driver specific to the printer is determined (e.g., driver 203, 601, or 602). A despooler 305 then plays the graphics commands from the common output back to the selected printer driver. The selected printer driver 203 then converts the output to a format specific to the selected printer, spools the output to a second spooler 204, and sends printer specific data to the printer 1500.

In summary, Kawamoto discloses Microsoft EMF print spooling. The novelty in the disclosure appears to be that the common output file is held until job completion, and if an error occurs, a new printer can be selected and the process repeated.

Kuo discloses a system for processing a digital image from a digital camera. Raw image data in a CCD format is captured by a digital camera 100 (Fig. 6). An image processing backplane 630 includes 3 plug-in image processing software modules 622, 624, and 626. A line reader 620 and line writer 650 manage the flow of CCD data. The backplane 630 serially feeds the data from one plug-in to the next. After processing, the data is converted to a JPEG image by JPEG module 628 (col. 9, ln. 9-38).

Kuo's backplane does not convert raw image CCD data into an internal representation (IR) document. In fact, the image data is not a document. More explicitly, Kuo's plug-ins do not process a print job that has been converted into an IR document, as recited in Applicant's claims 1 and 16.

The Applicant respectfully submits that the image data being processed by Kuo's plug-ins should not be confused with a print job that has been converted into an IR document. To further clarify the invention, claims 1 and 16 have been amended to define the IR document as a document that is independent of a printer device target and the language format associated with a printer device target. Kuo's raw data image is not a converted print job that is formatted in a language independent of both the target device and language of the target device during serially document processing by the plug-ins.

In Fig. 3 Yamamoto discloses a program for driving either a parallel or serial interface, connected to a printer (col. 6, ln. 5-11). As is well known in the art, parallel port and serial port interfaces refer to the protocol used to communicate between computer devices, i.e., between a personal computer and a printer. A parallel port interface is defined by the IEEE 1284 standard, and is now obsolete. A serial interface is associated with the RS-232 standard, and interfaces such as Ethernet, FireWire, and USB.

The Applicant respectfully submits that parallel and serial port interfaces have nothing to do with document processing, only document transmission. Yamamoto does not disclose converting a print job into an IR document that is independent of the target device and

target device language. Yamamoto does not disclose either parallel or serial processing of an IR document, and the Applicant requests that Yamamoto be removed as a reference.

An invention is unpatentable if the differences between it and the prior art would have been obvious at the time of the invention. As stated in MPEP § 2143, the *KSR International Co. v Teleflex Inc.* decision (82 USPQ2d 1385, 1395-1397, 2007) suggests 7 exemplary rationales to support a conclusion of obviousness, which include:

A) Combining prior art elements according to known methods to yield predictable results;

B) Simple substitution of one known element for another to obtain predictable results;

C) Use of known technique to improve similar devices (methods, or products) in the same way;

D) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results;

E) “Obvious to try” – choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success;

F) Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art;

G) Some teaching, suggestion, or motivation in prior art would have lead one of ordinary skill to modify the prior art reference or the combine prior art references teachings to arrive at the claimed invention.

The Office Action states that modifications to Kawamoto would have been obvious to one of ordinary skill in the art in light of Kuo and Yamamoto. This rejection appears to be most closely grounded in the G) rationale - Some teaching, suggestion, or motivation in prior art would have lead one of ordinary skill to modify the prior art reference or the combine prior art references teachings to arrive at the claimed invention.

With respect to this rationale, MPEP 2143 (G) states that the rejection must articulate the following criteria to resolve the *Graham* factual analysis:

(1) a finding that there was some teaching, suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings;

(2) a finding that there was a reasonable expectation of success; and

(3) whatever additional findings based on the *Graham* factual inquiries may be necessary, in view of the facts of the case under consideration, to explain a conclusion of obviousness.

With respect to the above-referenced first factual analysis criteria, the three references have been combined based upon the assumption that the combination discloses every limitation recited in Applicant's claims 1 and 16. However, as acknowledged in the Office Action, Kawamoto fails to disclose the conversion of a print job into an IR document, or the generation of a multiple processed IR document using a plurality of plugins. As discussed above, neither Kuo nor Yamamoto disclose the conversion of a print job into an IR document that is

independent of the target device and target device language. Since neither Kuo nor Yamamoto discloses an IR document, they cannot possibly disclose an IR document processed using a plurality of plugins. Therefore, even if elements from Kuo and Yamamoto are combined with Kawamoto, that combination does not explicitly disclose every limitation of claims 1 and 16. Claims 2, 4, 6-9, and 11-15, dependent from claim 1, and 17, 19, 21-24, and 26-30, dependent from claim 16, enjoy the same advantages.

The Office Action states that it would have been obvious to apply the features of Kuo and Yamamoto to Kawamoto, to coordinate the functioning and communication of various image processing stages and to provide more than one method of processing data. The motivation to combine references would be to integrate different platforms in an effort to reduce costs, and to provide more than one method of processing data. However, the motivation to integrate different platforms and to provide alternate data processing paths does not actually suggest a particular means of modifying Kawamoto in such as way as to make the Applicant's claim limitations obvious.

Kawamoto's method does not perform multiple processes upon intermediate code within a single print driver. Instead, Kawamoto's method requires the common data to be written to disk (1<sup>st</sup> spooler pass) and then read back (2<sup>nd</sup> spooler pass) for the second printer driver. In contrast, the claimed invention keeps the IR document in a shared data memory, so that multiple processes (plugins) can all access the same IR document in memory. While Kuo does describe a backplane with a plurality of plug-ins, the data is raw and, therefore, must be serially

processed. In contrast, because the Applicant's data is an IR document, it can be parallel processed (or serial processed) by the plugins. Alternately stated, Kuo's serial processing of raw data does not suggest that it would be advantageous to convert a print job into an IR document independent of target device and language.

A *prima facie* analysis of motivation is especially critical in the present circumstances since the rejection is predicated on limitations that are not explicitly disclosed in the prior art references. The claimed invention can only be obvious if an artisan makes substantial modifications to the Kawamoto reference. However, there is nothing in the Kuo or Yamamoto references that suggest the use of an IR document, or suggest any alternate to serial document processing.

Neither does the obviousness rejection provide evidence that such a modification would have been obvious to one with skill in the art based upon what was well known at the time of the invention. "(A)nalysis [of whether the subject matter of a claim would have been obvious] need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ." *KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1740-41, 82 USPQ2d 1385, 1396 (2007). However, if the *prima facie* rejection is supported by what was known by a person of ordinary skill in the art then additional evidence should have been provided. Notable, when the source or motivation is not from the prior art references, "the evidence" of motive will likely consist of an explanation or a well-known principle or problem-solving strategy to be applied". *DyStar*, 464 F.3d at 1366, 80 USPQ2d at 1649. The Office Action does not supply evidence that it was well known

at the time of the invention to convert a print job into an IR document independent of the target device and target language.

With respect to the second analysis criteria needed to support the G) obviousness rationale, even if an expert were given the Kawamoto, Kuo, and Yamamoto references as a foundation, no evidence has been provided to show that there is a reasonable expectation of success in the claimed invention. That is, there can be no reasonable expectation of success if the references, and what was known by artisan at the time of the invention, do not teach all the limitations of the claimed invention.

In summary, the Applicant respectfully submits that a *prima facie* case of obvious has not been supported since the combination of Kawamoto, Kuo, and Yamamoto does not explicitly disclose every limitation of claims 1 and 16. Neither has a case been supported that Kawamoto can be modified to supply the missing limitations in view of Kuo and Yamamoto, or what was well known by a person of skill at the time of the invention. Therefore, the Applicant requests that the rejection of claims 1-2, 4, 6-9, 11-17, 19, 21-24, and 26-30 be removed.



Applicant has reviewed the references made of record and asserts that the claims are patentable over the references made of record. It is believed that the application is in condition for allowance and reconsideration is earnestly solicited.

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Respectfully submitted,



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